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January 21, 2015

**BY ECF and EMAIL**

Honorable Andrew L. Carter, Jr.  
United States Courthouse  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re:    United States v. Conradt et al. (Daryl Payton)**  
**12-CR-00887 (ALC)**

Dear Judge Carter,

I write on behalf of Daryl Payton to request that the Court excuse his presence from the conference to be held on Friday, January 23, 2015 at 10:00 a.m. The government consents to this request.

Mr. Payton resides in Philadelphia and is subject to a very restricted work day that makes attendance by phone problematic.

We therefore request that Mr. Payton be excused from participating in Friday's conference. Because the conference will address only legal questions—the sufficiency of his plea and the resolution of Mr. Durant's motion to dismiss the indictment—Mr. Payton's presence is not required under Rule 43 (b)(3) of the Federal Rules of Criminal Procedure. Counsel has informed Mr. Payton of the issues to be discussed.

Very truly yours,

James Roth

cc:    AUSA Jessica Masella, Damian Williams, and Andrew Bauer